

AMENDED IN ASSEMBLY APRIL 16, 2008

AMENDED IN ASSEMBLY APRIL 10, 2008

AMENDED IN ASSEMBLY MARCH 28, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2341

Introduced by Assembly Member Maze

February 21, 2008

An act to amend Sections 361.5 and 388 of the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2341, as amended, Maze. Reunification services.

Existing law requires the juvenile court to order a social worker to provide child welfare services to a child and the child's mother and statutorily presumed father or guardians when the child is removed from the custody of the parent or guardian, except as specified. If the child was 3 years of age or older on the date of initial removal from the physical custody of his or her parent or guardian, existing law requires that the court-ordered services not exceed a period of 12 months from the date the child entered foster care, except as specified. If the child was under 3 years of age on the date of initial removal from the physical custody of his or her parent or guardian, those court-ordered services shall not exceed a period of 6 months from the date the child entered foster care.

This bill would revise those provisions to require that reunification services be provided during the period of time beginning with the dispositional hearing and ending with the date of the review hearing that is scheduled for either 6 months or 12 months depending upon the

age of the child involved. By specifically requiring that services be provided for a minimum time period, the bill would impose additional duties on county employees, thereby imposing a state-mandated local program.

This bill would also allow any party to petition the court and the court to terminate those court-ordered reunification services if it appears that a change of circumstance or new evidence exists that justifies termination, or that the action or inaction of the parent or guardian makes reunification impossible, and upon a hearing and a finding of clear and convincing evidence, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 361.5 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 361.5. (a) Except as provided in subdivision (b), or when the
- 4 parent has voluntarily relinquished the child and the relinquishment
- 5 has been filed with the State Department of Social Services, or
- 6 upon the establishment of an order of guardianship pursuant to
- 7 Section 360, whenever a child is removed from a parent's or
- 8 guardian's custody, the juvenile court shall order the social worker
- 9 to provide child welfare services to the child and the child's mother
- 10 and statutorily presumed father or guardians. Upon a finding and
- 11 declaration of paternity by the juvenile court or proof of a prior
- 12 declaration of paternity by any court of competent jurisdiction, the
- 13 juvenile court may order services for the child and the biological
- 14 father, if the court determines that the services will benefit the
- 15 child. Family reunification services, when provided, shall be
- 16 provided as follows:
- 17 (1) Except as otherwise provided in paragraph (3), for a child
- 18 who, on the date of initial removal from the physical custody of

1 his or her parent or guardian, was three years of age or older,
2 court-ordered services shall be provided during the period of time
3 beginning with the dispositional hearing and ending with the date
4 of the hearing set pursuant to subdivision (f) of Section 366.21,
5 unless the child is returned to the home of the parent or guardian.

6 (2) For a child who, on the date of initial removal from the
7 physical custody of his or her parent or guardian, was under the
8 age of three years, court-ordered services shall be provided during
9 the period of time beginning with the dispositional hearing and
10 ending with the date of the hearing set pursuant to subdivision (e)
11 of Section 366.21, unless the child is returned to the home of the
12 parent or guardian.

13 (3) For the purpose of placing and maintaining a sibling group
14 together in a permanent home should reunification efforts fail, for
15 a child in a sibling group whose members were removed from
16 parental custody at the same time, and in which one member of
17 the sibling group was under the age of three years on the date of
18 initial removal from the physical custody of his or her parent or
19 guardian, court-ordered services to some or all of the sibling group
20 may be limited to a period of six months from the date the child
21 entered foster care. For the purposes of this paragraph, “a sibling
22 group” shall mean two or more children who are related to each
23 other as full or half-siblings.

24 Regardless of the age of the child, a child shall be deemed to
25 have entered foster care on the earlier of the date of the
26 jurisdictional hearing held pursuant to Section 356 or the date that
27 is 60 days after the date on which the child was initially removed
28 from the physical custody of his or her parent or guardian.

29 Any motion to terminate court-ordered reunification services
30 prior to the hearing set pursuant to subdivision (f) of Section 366.21
31 for a child described by paragraph (1), or within six months of the
32 initial dispositional hearing for a child described by paragraph (2)
33 or this paragraph, shall be made pursuant to the requirements set
34 forth in subdivision (d) of Section 388. Court-ordered reunification
35 services provided under paragraph (1) or (2) or this paragraph may
36 only be terminated upon a finding of clear and convincing evidence
37 that one of the conditions specified in subdivision (b) or (e) now
38 exists, or that the action or inaction of the parent or guardian makes
39 reunification impossible, and that reunification is not in the child’s
40 best interest.

Notwithstanding paragraphs (1), (2), and (3), court-ordered services may be extended up to a maximum time period not to exceed 18 months after the date the child was originally removed from physical custody of his or her parent or guardian if it can be shown, at the hearing held pursuant to subdivision (f) of Section 366.21, that the permanent plan for the child is that he or she will be returned and safely maintained in the home within the extended time period. The court shall extend the time period only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or guardian within the extended time period or that reasonable services have not been provided to the parent or guardian. If the court extends the time period, the court shall specify the factual basis for its conclusion that there is a substantial probability that the child will be returned to the physical custody of his or her parent or guardian within the extended time period. The court also shall make findings pursuant to subdivision (a) of Section 366 and subdivision (e) of Section 358.1.

When counseling or other treatment services are ordered, the parent or guardian shall be ordered to participate in those services, unless the parent's or guardian's participation is deemed by the court to be inappropriate or potentially detrimental to the child. Physical custody of the child by the parents or guardians during the applicable time period under paragraph (1), (2), or (3) shall not serve to interrupt the running of the period. If at the end of the applicable time period, a child cannot be safely returned to the care and custody of a parent or guardian without court supervision, but the child clearly desires contact with the parent or guardian, the court shall take the child's desire into account in devising a permanency plan.

In cases where the child was under the age of three years on the date of the initial removal from the physical custody of his or her parent or guardian or is a member of a sibling group as described in paragraph (3), the court shall inform the parent or guardian that the failure of the parent or guardian to participate regularly in any court-ordered treatment programs or to cooperate or avail himself or herself of services provided as part of the child welfare services case plan may result in a termination of efforts to reunify the family after six months. The court shall inform the parent or guardian of the factors used in subdivision (e) of Section 366.21 to determine

1 whether to limit services to six months for some or all members
2 of a sibling group as described in paragraph (3).

3 Except in cases where, pursuant to subdivision (b), the court
4 does not order reunification services, the court shall inform the
5 parent or parents of Section 366.26 and shall specify that the
6 parent's or parents' parental rights may be terminated.

7 (b) Reunification services need not be provided to a parent or
8 guardian described in this subdivision when the court finds, by
9 clear and convincing evidence, any of the following:

10 (1) That the whereabouts of the parent or guardian is unknown.
11 A finding pursuant to this paragraph shall be supported by an
12 affidavit or by proof that a reasonably diligent search has failed
13 to locate the parent or guardian. The posting or publication of
14 notices is not required in that search.

15 (2) That the parent or guardian is suffering from a mental
16 disability that is described in Chapter 2 (commencing with Section
17 7820) of Part 4 of Division 12 of the Family Code and that renders
18 him or her incapable of utilizing those services.

19 (3) That the child or a sibling of the child has been previously
20 adjudicated a dependent pursuant to any subdivision of Section
21 300 as a result of physical or sexual abuse, that following that
22 adjudication the child had been removed from the custody of his
23 or her parent or guardian pursuant to Section 361, that the child
24 has been returned to the custody of the parent or guardian from
25 whom the child had been taken originally, and that the child is
26 being removed pursuant to Section 361, due to additional physical
27 or sexual abuse.

28 (4) That the parent or guardian of the child has caused the death
29 of another child through abuse or neglect.

30 (5) That the child was brought within the jurisdiction of the
31 court under subdivision (e) of Section 300 because of the conduct
32 of that parent or guardian.

33 (6) That the child has been adjudicated a dependent pursuant
34 to any subdivision of Section 300 as a result of severe sexual abuse
35 or the infliction of severe physical harm to the child, a sibling, or
36 a half sibling by a parent or guardian, as defined in this subdivision,
37 and the court makes a factual finding that it would not benefit the
38 child to pursue reunification services with the offending parent or
39 guardian.

1 A finding of severe sexual abuse, for the purposes of this
2 subdivision, may be based on, but is not limited to, sexual
3 intercourse, or stimulation involving genital-genital, oral-genital,
4 anal-genital, or oral-anal contact, whether between the parent or
5 guardian and the child or a sibling or half sibling of the child, or
6 between the child or a sibling or half sibling of the child and
7 another person or animal with the actual or implied consent of the
8 parent or guardian; or the penetration or manipulation of the
9 child's, sibling's, or half sibling's genital organs or rectum by any
10 animate or inanimate object for the sexual gratification of the
11 parent or guardian, or for the sexual gratification of another person
12 with the actual or implied consent of the parent or guardian.

13 A finding of the infliction of severe physical harm, for the
14 purposes of this subdivision, may be based on, but is not limited
15 to, deliberate and serious injury inflicted to or on a child's body
16 or the body of a sibling or half sibling of the child by an act or
17 omission of the parent or guardian, or of another individual or
18 animal with the consent of the parent or guardian; deliberate and
19 torturous confinement of the child, sibling, or half sibling in a
20 closed space; or any other torturous act or omission that would be
21 reasonably understood to cause serious emotional damage.

22 (7) That the parent is not receiving reunification services for a
23 sibling or a half sibling of the child pursuant to paragraph (3), (5),
24 or (6).

25 (8) That the child was conceived by means of the commission
26 of an offense listed in Section 288 or 288.5 of the Penal Code, or
27 by an act committed outside of this state that, if committed in this
28 state, would constitute one of those offenses. This paragraph only
29 applies to the parent who committed the offense or act.

30 (9) That the child has been found to be a child described in
31 subdivision (g) of Section 300, that the parent or guardian of the
32 child willfully abandoned the child, and the court finds that the
33 abandonment itself constituted a serious danger to the child; or
34 that the parent or other person having custody of the child
35 voluntarily surrendered physical custody of the child pursuant to
36 Section 1255.7 of the Health and Safety Code. For the purposes
37 of this paragraph, "serious danger" means that without the
38 intervention of another person or agency, the child would have
39 sustained severe or permanent disability, injury, illness, or death.
40 For purposes of this paragraph, "willful abandonment" shall not

1 be construed as actions taken in good faith by the parent without
2 the intent of placing the child in serious danger.

3 (10) That the court ordered termination of reunification services
4 for any siblings or half siblings of the child because the parent or
5 guardian failed to reunify with the sibling or half sibling after the
6 sibling or half sibling had been removed from that parent or
7 guardian pursuant to Section 361 and that parent or guardian is
8 the same parent or guardian described in subdivision (a) and that,
9 according to the findings of the court, this parent or guardian has
10 not subsequently made a reasonable effort to treat the problems
11 that led to removal of the sibling or half sibling of that child from
12 that parent or guardian.

13 (11) That the parental rights of a parent over any sibling or half
14 sibling of the child had been permanently severed, and this parent
15 is the same parent described in subdivision (a), and that, according
16 to the findings of the court, this parent has not subsequently made
17 a reasonable effort to treat the problems that led to removal of the
18 sibling or half sibling of that child from the parent.

19 (12) That the parent or guardian of the child has been convicted
20 of a violent felony, as defined in subdivision (c) of Section 667.5
21 of the Penal Code.

22 (13) That the parent or guardian of the child has a history of
23 extensive, abusive, and chronic use of drugs or alcohol and has
24 resisted prior court-ordered treatment for this problem during a
25 three-year period immediately prior to the filing of the petition
26 that brought that child to the court's attention, or has failed or
27 refused to comply with a program of drug or alcohol treatment
28 described in the case plan required by Section 358.1 on at least
29 two prior occasions, even though the programs identified were
30 available and accessible.

31 (14) That the parent or guardian of the child has advised the
32 court that he or she is not interested in receiving family
33 maintenance or family reunification services or having the child
34 returned to or placed in his or her custody and does not wish to
35 receive family maintenance or reunification services.

36 The parent or guardian shall be represented by counsel and shall
37 execute a waiver of services form to be adopted by the Judicial
38 Council. The court shall advise the parent or guardian of any right
39 to services and of the possible consequences of a waiver of
40 services, including the termination of parental rights and placement

1 of the child for adoption. The court shall not accept the waiver of
2 services unless it states on the record its finding that the parent or
3 guardian has knowingly and intelligently waived the right to
4 services.

5 (15) That the parent or guardian has on one or more occasions
6 willfully abducted the child or child's sibling or half sibling from
7 his or her placement and refused to disclose the child's or child's
8 sibling's or half sibling's whereabouts, refused to return physical
9 custody of the child or child's sibling or half sibling to his or her
10 placement, or refused to return physical custody of the child or
11 child's sibling or half sibling to the social worker.

12 (c) In deciding whether to order reunification in any case in
13 which this section applies, the court shall hold a dispositional
14 hearing. The social worker shall prepare a report that discusses
15 whether reunification services shall be provided. When it is alleged,
16 pursuant to paragraph (2) of subdivision (b), that the parent is
17 incapable of utilizing services due to mental disability, the court
18 shall order reunification services unless competent evidence from
19 mental health professionals establishes that, even with the provision
20 of services, the parent is unlikely to be capable of adequately caring
21 for the child within the time limits specified in subdivision (a).

22 The court shall not order reunification for a parent or guardian
23 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),
24 (13), (14), or (15) of subdivision (b) unless the court finds, by clear
25 and convincing evidence, that reunification is in the best interest
26 of the child.

27 In addition, the court shall not order reunification in any situation
28 described in paragraph (5) of subdivision (b) unless it finds that,
29 based on competent testimony, those services are likely to prevent
30 reabuse or continued neglect of the child or that failure to try
31 reunification will be detrimental to the child because the child is
32 closely and positively attached to that parent. The social worker
33 shall investigate the circumstances leading to the removal of the
34 child and advise the court whether there are circumstances that
35 indicate that reunification is likely to be successful or unsuccessful
36 and whether failure to order reunification is likely to be detrimental
37 to the child.

38 The failure of the parent to respond to previous services, the fact
39 that the child was abused while the parent was under the influence
40 of drugs or alcohol, a past history of violent behavior, or testimony

1 by a competent professional that the parent's behavior is unlikely
2 to be changed by services are among the factors indicating that
3 reunification services are unlikely to be successful. The fact that
4 a parent or guardian is no longer living with an individual who
5 severely abused the child may be considered in deciding that
6 reunification services are likely to be successful, provided that the
7 court shall consider any pattern of behavior on the part of the parent
8 that has exposed the child to repeated abuse.

9 (d) If reunification services are not ordered pursuant to
10 paragraph (1) of subdivision (b) and the whereabouts of a parent
11 become known within six months of the out-of-home placement
12 of the child, the court shall order the social worker to provide
13 family reunification services in accordance with this subdivision.

14 (e) (1) If the parent or guardian is incarcerated or
15 institutionalized, the court shall order reasonable services unless
16 the court determines, by clear and convincing evidence, those
17 services would be detrimental to the child. In determining
18 detriment, the court shall consider the age of the child, the degree
19 of parent-child bonding, the length of the sentence, the nature of
20 the treatment, the nature of the crime or illness, the degree of
21 detriment to the child if services are not offered and, for children
22 10 years of age or older, the child's attitude toward the
23 implementation of family reunification services, and any other
24 appropriate factors. Reunification services are subject to the
25 applicable time limitations imposed in subdivision (a). Services
26 may include, but shall not be limited to, all of the following:

27 (A) Maintaining contact between the parent and child through
28 collect telephone calls.

29 (B) Transportation services, where appropriate.

30 (C) Visitation services, where appropriate.

31 (D) Reasonable services to extended family members or foster
32 parents providing care for the child if the services are not
33 detrimental to the child.

34 An incarcerated parent may be required to attend counseling,
35 parenting classes, or vocational training programs as part of the
36 service plan if these programs are available.

37 (2) The presiding judge of the juvenile court of each county
38 may convene representatives of the county welfare department,
39 the sheriff's department, and other appropriate entities for the
40 purpose of developing and entering into protocols for ensuring the

1 notification, transportation, and presence of an incarcerated or
2 institutionalized parent at all court hearings involving proceedings
3 affecting the child pursuant to Section 2625 of the Penal Code.

4 (3) Notwithstanding any other provision of law, if the
5 incarcerated parent is a woman seeking to participate in the
6 community treatment program operated by the Department of
7 Corrections and Rehabilitation pursuant to Chapter 4.8
8 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter
9 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal
10 Code, the court shall determine whether the parent's participation
11 in a program is in the child's best interest and whether it is suitable
12 to meet the needs of the parent and child.

13 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
14 (8), (9), (10), (11), (12), (13), (14), or (15) of subdivision (b) or
15 paragraph (1) of subdivision (e), does not order reunification
16 services, it shall, at the dispositional hearing, that shall include a
17 permanency hearing, determine if a hearing under Section 366.26
18 shall be set in order to determine whether adoption, guardianship,
19 or long-term foster care is the most appropriate plan for the child,
20 and shall consider in-state and out-of-state placement options. If
21 the court so determines, it shall conduct the hearing pursuant to
22 Section 366.26 within 120 days after the dispositional hearing.
23 However, the court shall not schedule a hearing so long as the
24 other parent is being provided reunification services pursuant to
25 subdivision (a). The court may continue to permit the parent to
26 visit the child unless it finds that visitation would be detrimental
27 to the child.

28 (g)(1) Whenever a court orders that a hearing shall be held
29 pursuant to Section 366.26, it shall direct the agency supervising
30 the child and the licensed county adoption agency, or the State
31 Department of Social Services when it is acting as an adoption
32 agency in counties that are not served by a county adoption agency,
33 to prepare an assessment that shall include:

34 (A) Current search efforts for an absent parent or parents.

35 (B) A review of the amount of and nature of any contact between
36 the child and his or her parents and other members of his or her
37 extended family since the time of placement. Although the
38 extended family of each child shall be reviewed on a case-by-case
39 basis, "extended family" for the purpose of this subparagraph shall

1 include, but not be limited to, the child’s siblings, grandparents,
2 aunts, and uncles.

3 (C) An evaluation of the child’s medical, developmental,
4 scholastic, mental, and emotional status.

5 (D) A preliminary assessment of the eligibility and commitment
6 of any identified prospective adoptive parent or guardian,
7 particularly the caretaker, to include a social history including
8 screening for criminal records and prior referrals for child abuse
9 or neglect, the capability to meet the child’s needs, and the
10 understanding of the legal and financial rights and responsibilities
11 of adoption and guardianship. If a proposed guardian is a relative
12 of the minor, and the relative was assessed for foster care placement
13 of the minor prior to January 1, 1998, the assessment shall also
14 consider, but need not be limited to, all of the factors specified in
15 subdivision (a) of Section 361.3. As used in this subparagraph,
16 “relative” means an adult who is related to the minor by blood,
17 adoption, or affinity within the fifth degree of kinship, including
18 stepparents, stepsiblings, and all relatives whose status is preceded
19 by the words “great,” “great-great,” or “grand,” or the spouse of
20 any of those persons even if the marriage was terminated by death
21 or dissolution.

22 (E) The relationship of the child to any identified prospective
23 adoptive parent or guardian, the duration and character of the
24 relationship, the motivation for seeking adoption or guardianship,
25 and a statement from the child concerning placement and the
26 adoption or guardianship, unless the child’s age or physical,
27 emotional, or other condition precludes his or her meaningful
28 response, and if so, a description of the condition.

29 (F) An analysis of the likelihood that the child will be adopted
30 if parental rights are terminated.

31 (2) (A) A relative caregiver’s preference for legal guardianship
32 over adoption, if it is due to circumstances that do not include an
33 unwillingness to accept legal or financial responsibility for the
34 child, shall not constitute the sole basis for recommending removal
35 of the child from the relative caregiver for purposes of adoptive
36 placement.

37 (B) A relative caregiver shall be given information regarding
38 the permanency options of guardianship and adoption, including
39 the long-term benefits and consequences of each option, prior to
40 establishing legal guardianship or pursuing adoption.

(h) In determining whether reunification services will benefit the child pursuant to paragraph (6) or (7) of subdivision (b), the court shall consider any information it deems relevant, including the following factors:

(1) The specific act or omission comprising the severe sexual abuse or the severe physical harm inflicted on the child or the child's sibling or half sibling.

(2) The circumstances under which the abuse or harm was inflicted on the child or the child's sibling or half sibling.

(3) The severity of the emotional trauma suffered by the child or the child's sibling or half sibling.

(4) Any history of abuse of other children by the offending parent or guardian.

(5) The likelihood that the child may be safely returned to the care of the offending parent or guardian within 12 months with no continuing supervision.

(6) Whether or not the child desires to be reunified with the offending parent or guardian.

(i) The court shall read into the record the basis for a finding of severe sexual abuse or the infliction of severe physical harm under paragraph (6) of subdivision (b), and shall also specify the factual findings used to determine that the provision of reunification services to the offending parent or guardian would not benefit the child.

SEC. 2. Section 388 of the Welfare and Institutions Code is amended to read:

388. (a) Any parent or other person having an interest in a child who is a dependent child of the juvenile court or the child himself or herself through a properly appointed guardian may, upon grounds of change of circumstance or new evidence, petition the court in the same action in which the child was found to be a dependent child of the juvenile court or in which a guardianship was ordered pursuant to Section 360 for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child, shall state the petitioner's relationship to or interest in the child and shall set forth in concise language any change of circumstance or new evidence which are alleged to require the change of order or termination of jurisdiction.

1 (b) Any person, including a child who is a dependent of the
2 juvenile court, may petition the court to assert a relationship as a
3 sibling related by blood, adoption, or affinity through a common
4 legal or biological parent to a child who is, or is the subject of a
5 petition for adjudication as, a dependent of the juvenile court, and
6 may request visitation with the dependent child, placement with
7 or near the dependent child, or consideration when determining
8 or implementing a case plan or permanent plan for the dependent
9 child or make any other request for an order which may be shown
10 to be in the best interest of the dependent child. The court may
11 appoint a guardian ad litem to file the petition for the dependent
12 child asserting the sibling relationship if the court determines that
13 the appointment is necessary for the best interests of the dependent
14 child. The petition shall be verified and shall set forth the
15 following:

16 (1) Through which parent he or she is related to the dependent
17 child.

18 (2) Whether he or she is related to the dependent child by blood,
19 adoption, or affinity.

20 (3) The request or order that the petitioner is seeking.

21 (4) Why that request or order is in the best interest of the
22 dependent child.

23 (c) Any party, including a child who is a dependent of the
24 juvenile court, may petition the court, prior to the hearing set
25 pursuant to subdivision (f) of Section 366.21 for a child described
26 by paragraph (1) of subdivision (a) of Section 361.5, or within six
27 months of the initial dispositional hearing for a child described by
28 paragraph (2) or (3) of subdivision (a) of Section 361.5, to
29 terminate court-ordered reunification services provided under
30 subdivision (a) of Section 361.5 only if it appears that a change of
31 circumstance or new evidence exists that satisfies a condition set
32 forth under subdivision (b) or (e) of Section 361.5 justifying
33 termination of court-ordered reunification services, *or that the*
34 *action or inaction of the parent or guardian makes reunification*
35 *impossible*. The court shall order that reunification services be
36 terminated only after a hearing and upon a finding of clear and
37 convincing evidence.

38 (d) If it appears that the best interests of the child may be
39 promoted by the proposed change of order, recognition of a sibling
40 relationship, termination of jurisdiction, or clear and convincing

1 evidence supports revocation or termination of court-ordered
2 reunification services, the court shall order that a hearing be held
3 and shall give prior notice, or cause prior notice to be given, to the
4 persons and by the means prescribed by Section 386, and, in those
5 instances in which the means of giving notice is not prescribed by
6 those sections, then by means the court prescribes.

7 SEC. 3. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.